

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Dione Richard Carrington,

Debtor.

Case No. 06-46595

Chapter 13

Hon. Phillip J. Shefferly

ORDER DISMISSING CHAPTER 13 BANKRUPTCY CASE

On May 25, 2006, the Debtor filed this Chapter 13 bankruptcy case. On May 25, 2006, the Bankruptcy Court Clerk issued a deficiency notice advising the Debtor that an acceptable matrix had not been filed and stating that the case would be dismissed if an acceptable matrix was not filed within eight days. After a review of the case file, it has been determined that an acceptable matrix still has not been filed as required by L.B.R. 1007-2 (E.D.M.). As a result, this case should be dismissed for failure to file an acceptable matrix. However, in its review of the file, it has also come to the Court's attention that the Debtor, Dione Richard Carrington, was already a Debtor in a pending bankruptcy case at the time that this bankruptcy case was filed. On September 19, 2005, Dione Richard Carrington filed Chapter 7 case number 05-70814 ("First Bankruptcy Case"). The First Bankruptcy Case is still pending. There is no provision in the Bankruptcy Code or Bankruptcy Rules that permits an individual to be a debtor in multiple bankruptcy cases at the same time. See Turner v. Citizens National Bank of Hammond (In re Turner), 207 B.R. 373, 378-79 (B.A.P. 2d Cir. 1997); In re Cross Timbers Ranch, Inc., 155 B.R. 215, 217 (Bankr. W.D. Mo. 1993); Associates Financial Services Corp. v. Cowen (In re Cowen), 29 B.R. 888, 894 (Bankr. S.D. Ohio 1983). Therefore, this case must be dismissed because of the pendency of the first bankruptcy case, in addition to the failure of the Debtor to file an acceptable matrix.

IT IS HEREBY ORDERED that this Chapter 13 bankruptcy case is dismissed.

Entered: June 22, 2006

/s/ Phillip J. Shefferly
Phillip J. Shefferly
United States Bankruptcy Judge